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TENTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS

Proposals for the preparations for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

Report of the Secretary-General

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INTRODUCTION

1. Since 1955,* the quinquennial United Nations congresses on the prevention of crime and the treatment o f offenders have been organized in pursuance of General Assembly resolution 415 (V) of 1 December 1950. Their importance has been reaffirmed in numerous resolutions by the policy-making bodies of the United Nations. During the last 40 years, the congresses have served as global events and worldwide forums, influencing national policies, mobilizing public opinion, recommending lines of action at the national, regional and international levels, an d focusing attention on major issues of concern to Member States and the professional and scientific community.

2. Over the years, the congresses have undergone a significant transformation. From what was primarily a meeting of experts, following a long-established tradition inherited by the United Nations from the Internationa l Penal and Penitentiary Commission, the congresses became a major intergovernmental conference in response t o Assembly resolution 415 (V). The sixth congress represented a turning point in that regard, since the Genera l Assembly, in its resolution 32/60 of 8 December 1977, endorsed the recommendation of the fifth congress that the rules of procedure of the congresses be reviewed with a view to bringing them into conformity with those of other comparable United Nations conferences, thus transforming them into fully fledged intergovernmental worl d conferences with representation at the highest political level.

3. The result of the review of the functioning and programme of work of the United Nations in the field of crime prevention and criminal justice, as reflected in the statement of principles and programme of action of the United Nations crime prevention and criminal justice programme (General Assembly resolution 46/152 of 18 December 1991, annex), represented a departure from pre vious practice. In addition to establishing the Commission on Crime Prevention and Criminal Justice, which now fulfils the policy-making role that the congresses had in the past, the Economic and Social Council, on the recommendation of the Commission at its second session, in its resolutio n 1993/32, annex, approved new rules of procedure for United Nations congresses on the prevention of crime and the treatment of offenders, reflecting the new orientation, structure and functions of the congresses.

4. In initiating the preparations for the tenth congress, the Secretary-General, by a note verbale dated 10 October 1995, requested Governments to submit their views on the theme of the forthcoming congress, its format, agenda items and workshop topics. As of 20 March 1996, the following 11 States had responded: Argentina, Australia , Austria, Canada, Germany, Holy See, Qatar, Spain, Thailand, Turkey and United States of America .

5. The present report is submitted to the Commission for its consideration, with a view to providing furthe r guidance to the Secretariat on the organizational and substantive preparations for the tenth congress. Following a brief presentation of background information highlig hting the experience with the ninth congress, the report outlines the suggestions provided on the substantive, as well as the organizational, arrangements for the tenth congress.

I. BACKGROUND

6. The Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Cairo from 29 April to 8 May 1995, was the first congress convened after the restructuring of the United Nations crime

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*The First Congress on the Prevention of Crime and the Treatment of Offenders was convened at Geneva, Switzerland, in 1955; the second congress took place in London in 1960; the third congress was held at Stockholm in 1965; the fourth congress was organized at Kyoto, Japan, in 1970; the fifth congress was held at Geneva, Switzerland, in 1975, the sixth congress was convened at Caracas in 1980; the seventh congress took place at Milan, Italy, in 1985; the eighth congress was held at Havana in 1990; and the ninth congress took place at Cairo in 1995.

prevention and criminal justice programme, and governed by the new function and format as outlined in the annex to General Assembly resolution 46/152.*

7. In order to maintain continuity between the ninth and the tenth congresses, particularly in the organizational aspects, the experience gained from the preparations for the Ninth Congress is most relevant.

8. In this connection, the Commission may recall that on its recommendation, the Economic and Social Council, in its resolution 1992/24 of 30 July 1992, requested the Commission to finalize the provisional agenda for the Ninth Congress, taking into account the following: (a) the Ninth Congress should deal with a limited number of precisely defined substantive topics, which should reflect urgent needs of the world community; (b) the final selection of those topics should be made in accordance with the priorities set by the Commission; and (c) there should be action oriented research and demonstration workshops related to the substantive topics suggested, as part of the programme of the Ninth Congress, and ancillary meetings associated with its provisional agenda.

9. The need to hold research and demonstration workshops as part of the official agenda was emphasized by the Commission at its first session as an important element in achieving more practically oriented results. Three guiding elements were outlined for the selection of the topics of the workshops: their ability to concentrate on current trends and issues in the field of crime prevention and criminal justice; their research and demonstration value; and their use as a forum for the effective exchange of expertise and experience.

10. The preparations for and the conduct of the Ninth Congress followed the guidance provided by the Commission and the Council in pursuing a new format aimed at maximizing the practical and scientific value of the Congress. In addition to the official programme and the holding of six workshops, as provided for in the agenda, 18 ancillary and two practically oriented meetings as well as a number of ad hoc meetings and working groups on specific issues of relevance to the substantive topics were organized by non-governmental organizations and individual experts. These were attended on average by 25 to 50 participants, representing various intergovernmental, non-governmental and other professional organizations, as well as individual scholars and practitioners, all with a high level of expertise in the subject-matters discussed. The programme of work of the Congress also included exhibitions by Member States and by the private sector.**

11. As recommended by the Commission, the Council adopted an omnibus resolution 1995/27 of 24 July 1995 on implementation of the resolutions and recommendations of the Ninth Congress, as well as seven other resolutions, 1995/9 to 1995/15 of 24 July 1995, dealing with other substantive issues pertaining to the results of the Congress. In addition, the Council, on the recommendation of the Commission, recommended for adoption by the General Assembly draft resolution 1995/8 of 24 July 1995 on the Ninth Congress.

II. PRELIMINARY ASSESSMENT

A. Fourth session of the Commission on Crime Prevention and Criminal Justice

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*For a comprehensive background on previous congresses, including the new format of the Ninth Congress, see the note by the Secretary General on preparations for the Ninth Congress (E/CN.15/1992/5).

**For an overview of the ancillary meetings of the Ninth Congress, see conference room paper E/CN.15/1995/CRP.2, submitted to the Commission at its fourth session. A revised version of that paper and a more detailed account of the results of the Ninth Congress will be included in the forthcoming issue of the *United Nations Crime Prevention and Criminal Justice Newsletter*, number 28/29, to be published in 1996.

12. To make the Tenth Congress as productive as possible, the Commission, as the preparatory body of th e congresses, should first attempt to assess the achievement s of and the problems encountered by, the Ninth Congress. The Commission may recall that at its fourth session, all delegations and representatives of the intergovernmental and non-governmental organizations that contributed to the debate on the N inth Congress expressed their satisfaction with the successful conduct of the proceedings and its productive results, in spite of the fact that the time available for pre-Congress consultations and the Ninth Congress itself had to be shortened, that the venue of the Congress had to be changed, and that all preparatory arrangements had to be completed in only a few months. At the same time, many representatives emphasized the importance of undertaking a thorough evaluation and analysis of the results of the Congress.

13. A number of important lessons learned at the Ninth Congress could be utilized in the organization of future congresses. Its practical orientation was particularly welcome. The workshops proved to be extremely useful for sharing experience and know-how. The involvement of different entities in their organization provided valuabl e results, although it was suggested that their number should be reduced to ease the burden on smaller delegations. It was suggested that future workshops should: deal with topics of interest to both developing and develope d countries; take a multidisciplinary approach, actively involving entities wit h different areas of expertise and operation in their organization and conduct; identify recent trends and emergin g issues in crime prevention and criminal justice; stimulate among participants discussions oriented towards finding practical solutions to problems; and achieve a multiplier effect in terms of generating practical applications after the congresses. It was further suggested that the status of the conclusions of the workshops should be clarified in relation to the congress resolutions. In addition, it would be desirable to review the approach to ancillary meetings, symposia and exhibits to ensure that they would be integrated into the congress activities.

14. In summing up the discussion on the issue, the chairman of the Commission noted that the Ninth Congres s marked a transition to a new congress format, which could in future be even more practice-oriented. The number of workshops should be reduced and their objectives more clearly defined. The chairman suggested that, as there had been a high level of representation at the Ninth Congress, a "high-level segment" could be introduced at th e beginning of the proceedings, reserved for ministers of State and other representatives of similar rank. With regard to the initiation of the process of preparation, he recommended that the Commission should start preparatory work for the congresses earlier. The consensus of participants seemed to be that rule 28 of the rules of procedure for the congresses, which required that draft resolutions be submitted four months in advance of each congress, should be retained. At the fiftieth session of the General Assembly, the Chairman had made a statement conveying the views of the Commission on this matter, and provided an overview of the results of the Ninth Congress, pointing out that utmost attention was given by the Commission to General Assembly resolution 49/157 of 23 December 1994, in which it was requested to recommend appropriate follow-up to the conclusions and recommendations of th e Congress.

B. Fiftieth session of the General Assembly

15. The consideration and endorse ment of the conclusions and recommendations of the Ninth Congress coincided with the celebration of the fiftieth ann iversary of the United Nations, attended by heads of States and Governments, many of whom made reference to the destabilizing impact of crime. Crime prevention and criminal justice featured as a priority issue in many statements. In his remarks to the General Assembly on that occasion, President William J. Clinton of the United States stated: "Nowhere is cooperation more vital than in fighting the increasingl y interconnected groups that traffic in terror, organized crime, drug smuggling and the spread of weapons of mas s destruction. No one is immune". The strong commitment expressed at the highest level to fight crime reflected the concern over its globalization. It was emphasized that as the world approached the third millennium, crime wa s becoming a major threat to national and international sec urity. With the growing trends towards regional integration and increased movement across borders, joint action by States was becoming absolutely imperative.

16. In the Third Committee of the General Assembly, while most representatives made statements on the substantive issues of the Ninth Congress and its results, few commented on organizational aspects, which might be of benefit in organizing the Tenth Congress. Representatives expressed satisfaction with the organization, conduct and results of the Ninth Congress, which had highlighted the interest of countries all over the world, particularly developing countries, in United Nations assistance in crime prevention and criminal justice. Other representatives stated that the congresses on the prevention of crime and the treatment of offenders, the status of which had been modified since they had begun acting as consultative body to the United Nations crime prevention and criminal justice programme, should henceforth be better able to respond to the actual needs of Member States, but should nevertheless not fail to set precise objectives and reduce the number of resolutions adopted.* It was noted that the Ninth Congress, in accordance with its mandate, had given participating delegations an opportunity to exchange information and consult each other on new trends in crime and the steps to be taken. The holding of workshops on current issues had contributed greatly to the practical orientation of the Congress. Future congresses should also have the same concrete focus, but the number and nature of the workshops should be defined more clearly.

17. The agenda of the Ninth Congress had reflected the programme priorities laid down by the Commission, and the workshops had achieved tangible results. Nevertheless, the potential of the Congress had not been fully utilized. In the future, it would be necessary to ensure a pragmatic approach in exchanging experience and defining new areas for cooperation. Furthermore, it was important to bring the practical recommendations of the Congress to the attention of the largest possible number of law enforcement agencies and legal specialists, and to identify ways to implement them at the national level.**

18. The discussion of the item by the Third Committee concluded with the adoption of resolution 50/145, in which the Assembly endorsed the resolutions of the Ninth Congress, as approved by the Commission, and the recommendations made by the Commission at its fourth session, as well as those made by the Council at its substantive session of 1995 on the implementation of the resolutions and recommendations of the Congress, as reflected in Council resolution 1995/27 of 24 July 1995. The Assembly invited Governments to be guided by those resolutions and recommendations in formulating legislation and policy directives, and to make every effort to implement the principles contained therein, in accordance with the economic, social, legal, cultural and political circumstances of each country.

19. In their comments on the format, structure and functioning of the Ninth Congress, representatives made a positive assessment of the work accomplished. The rich debate on the results achieved in dealing with the substantive issues on the agenda of the Congress confirmed the leading role of the congresses in the promotion of more effective crime prevention and criminal justice policies and strategies by recommending action at the national, regional and international levels. By continuing to focus on issues of direct concern to Member States, on precisely defined topics and on action-oriented discussions, the contributions of the congresses could be further enhanced. The debate also confirmed that there was a growing consensus among Member States on the new format of the congresses, as well as broad endorsement of the way in which the Commission and the Secretary-General had given effect to the various resolutions of the policy-making bodies relating to preparations for and the conduct of the Tenth Congress.

III. VIEWS OF COUNTRIES ON THE TENTH CONGRESS

A. Organizational aspects

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*Compared with the Eighth Congress, which adopted 46 resolutions and one decision, the Ninth Congress adopted 11 resolutions, thus exercising the desired restraint.

**An account of the discussion of item 106 on crime prevention and criminal justice is contained in the relevant summary records (A/C3/50/SR.12-17,19,25 and 42).

20. Commenting on the role of the Tenth Congress, Australia noted that the creation of the Commission had led to a change in the role of the congresses, which no longer had the major policy-making role on criminal justic e matters in the United Nations system. That role had now passed to the Commission, as reflected in the annex t o General Assembly resolution 46/152. Accordingly, it was for the Commission to take decisions, drawing on th e advice and suggestions of the Tenth Congress as necessary. Australia expressed its belief that the organization of the Congress should take full account of the nature of the relationship between the Congress and the Commission and the extent to which the former could provide an input into the work of the latter. There was little value in a stream of resolutions flowing from the Congress calling on the Commission to take action on issues that were not closely related to its priority work topics, and which did not take into account the limited resources available t o undertake the proposed activities. Countries sho uld be encouraged to limit the number of resolutions, the objectives of which should be quality not quantity. The strict enforcement of the deadline for their submission could assist in that regard. Australia considered that the workshops should be included in the work programme of the Congress, with full integration into its discussions on the sub stantive agenda items. However, their number should be reduced, perhaps from six to four.

21. Austria welcomed the new format of the congresses as a breakthrough in the way that United Nation s conferences were organized. The emphasis on practical and operational aspects of the programme was highl y welcome. The exchange of expertise, experience and me thods as reflected in the pragmatic approach adopted by the demonstration and research workshops of the N inth Congress had clearly proved useful. The emphasis on technical cooperation had contributed to the increased operational impact of the programme. Further improvements wer e required, however, and an effort should be made to limit the items before the Tenth Congress by focusing on a few specific subjects. Consideration should be given to the introduction of a "high-level segment" of one or two days that would be reserved for statements of representatives at the political level, such as government ministers an d attorneys-general. Such a segment could be devoted to a specific theme, and also serve as a platform for airin g particular national concerns. Consideration should be given to providing a forum for discussion between relevant agencies of the United Nations system and other organizations seeking better cooperation and coordination. A n effort should be made to obtain inputs from all relevant entities for that purpose, supplemented by a demonstration workshop to deal with several case-studies.

22. Canada expressed general satisfaction with the outcome of the Ninth Congress, as well as its venue , organization and content. However, Canada hoped that the v enue and dates of the Tenth Congress would be decided earlier than was the case for the Ninth Congress, in order to p ermit better planning by the organizing country, as well as by the participating ones, and hoped that there would be fewer problems wi th respect to the location and setting-up of the exhibits and kiosks. The Ninth C ongress had been a congress of transition, following the restructuring of the United Nations crime prevention and criminal justice programme. In accordance with its mandate, the Nint h Congress had fulfilled its role as a forum for the exchange of information and the identification of new trends . Canada believed that the adoption of rule 28 of the rules of procedure of the Congress concerning the four-month deadline for submission of resolution s had largely contributed to this success by permitting Member States to come forward with prepared positions on all substantive issues to be considered. Canada had reservations, however, as to the adoption by congresses of omnibus resolutions, even if the four-month deadline applied. Given the level of attention and amount of time associated with their adoption, such broad resolutions detracted from the mai n objectives of congresses.

23. Canada stated that it was also unfortunate that most of the resolutions on well-focused issues did not receive within informal working groups the same attention from which they would have otherwise have benefited in the main committees that operated with simultaneous interpretation. Indeed, paramount to fully productive discussion s associated with the adoption of resolutions was the contribution of Member States, as well as the input o f non-governmental organizations, institutes and individual experts. One way of solving the problem would be to have one of the congress committees, at the outset, devote its time to the full consideration of resolutions with al l participants. Another alternative would be to divide the resolutions between the committees on the basis of their substantive expertise. Since there would be less time availabl e, that would obviously imply a decrease in the number of issues and workshops to be discussed by other committees. While such a decrease would be welcome if i t

permitted a more focused discussion on specific issues, efforts should still be made to ensure that the number of resolutions were kept to a minimum, and that the main purpose of the congresses (exchange of information and identification of new trends) was not forgotten.

24. Canada believed that the workshops had been the highlight of the Ninth Congress, even though some workshops had not been as well attended as expected, perhaps in part because of the large amount of time devoted to negotiations on resolutions outside the formal setting. Canada expressed the belief that the workshops at the Ninth Congress had been so important and crucial in the exchange of information and the identification of new trends, which constituted the basis of the new role of congresses, that the rules of procedure of the congresses should be amended to reflect their role and importance in the future. The rules should reflect that the workshops could, with the approval of the Commission, be organized by any interested party, including Member States, the interregional and regional institutes and non-governmental organizations, working in close collaboration to bring forward their different perspectives on the issues to be addressed. Such a participatory process would more thoroughly fulfil the main objectives of congresses and permit them to bring forward a different perspective than that of the Commission. The rules should also reflect that the number of workshops to be held during a congress should be limited. Furthermore, they should mention that all workshops held during the congress should fulfil the following five objectives:

(a) To deal with items of interest to both developing and developed countries;

(b) To be multidisciplinary and display a balance among the various disciplines (law, police, corrections and social sciences) and entities, Member States, interregional and regional institutes and nongovernmental organizations interested in the criminal justice system;

(c) To endeavour to identify emerging issues;

(d) To stimulate discussion, rather than rely upon prepared speeches, by being oriented towards practical problems and solutions;

(e) To have a multiplier effect in stimulating work which would continue following the congress.

25. Concerning the topics that could be discussed at the Tenth Congress, Canada believed that the interest demonstrated at the Ninth Congress and by the international community as a whole in the issues of violence against women, violence in society and organized crime confirmed the need for more work to be done at the Tenth Congress on those pressing issues.

26. Regarding the format of the Tenth Congress, Spain expressed its satisfaction with the structure followed for the Ninth Congress.

27. The United States proposed that the Tenth Congress not be a legislative forum but rather an educational one for exchange of information and experiences, with the outcome being a declaration. It noted that so much time had been spent during the Ninth Congress in negotiating and drafting the text of various resolutions, that many delegations, including that of the United States, had been unable to participate effectively in the many valuable workshops and discussions which had taken place. That situation had severely undermined the focus of the Ninth Congress on practical activities and exchange of information. A single declaration summarizing the activities of the Tenth Congress at its conclusion would greatly enhance its educational and practical value. The declaration would be a more concise statement of the findings of the Congress than the report of the Congress, but it would not directly call for action by the Commission. Any substantive resolutions based on activities or discussions at the Congress should be left for the following session of the Commission to formulate.

B. Venue

28. Two of the past congresses had been held at the United Nations Office at Geneva, and three had been held in western Europe, two in Latin America, one in Africa and one in Asia.

29. To date, no official invitation had yet been received from any country to host the Tenth Congress.

30. The United States had recommended that the site for the Tenth Congress should be Singapore, Bangkok o r Jakarta. No formal expression of interest had been received from those countries or from any other country to host the Tenth Congress.

C. Substantive aspects

31. A summary of the views of countries on possible subjects for the Tenth Congress, regrouped under mai n headings is provided below.

1. Substantive topics

Transnational organized crime

32. The fight against organized transnational crime in all its forms , including, *inter alia*, economic crime, computer crime, the role of criminal law in the protection of the environment and the development of procedures for tha t purpose, as well as the fight against corruption, figured prominently among the suggested topics for discussion. A few countries stressed that due regard should be given to the possible links between organized crime and terrorist crimes. It should be recalled that the only formal recommendation on that subject made by the Ninth Congress, in its resolution 4, paragraph 8, was that the Comm ission include on the agenda of the Tenth Congress an item entitled "The links between transnational organized crime and terro rist crime". Argentina recommended the inclusion of that item in the agenda of the Congress, suggesting that more detailed examination of the subject of transnationa l organized crime and its links with terrorism, along the lines embodied in that resolution and in Council resolution 1995/27 of 24 July 1995, was needed.

33. Of particular concern to Argentina was the international traffic in children and the need to provide effective tools to eradicate it. At the Ninth Congress, a proposal to prepare an international convention on the subject had been recommended by Argentina. The subject should be one of the main topics for consideration at futur e international congresses and meetings.

34. Austria also recommended that further consideration should be given to the contribution that the Tent h Congress could make in devising measures for combating organized transnational crime, with due regard to th e possible links between organized crime and terrorist crime. Canada was of the opinion that the interest displayed by the Ninth Congress and by the international community as a whole in the issue of organized crime confirmed the need for more work to be done at the Tenth Congress.

35. Turkey expressed great concern about the links between organized crime and terrorist crime as a form o f organized transnational crime. The major part of the resources of terrorist groups were in fact the proceeds of drug trafficking, but also often of other types of crime, such as illegal arms trafficking, trafficking in illegal migrants , money-laundering, armed robbery and extortion. As long as those channels of financing their activities wer e available to terrorist groups, it was very difficult to eradicate them. It was therefore of primary importance that the structures and dynamics of transnational criminality in all its forms be examined in depth with a view to stepping up the fight against the scourge of terrorism.

36. Australia proposed that the Tenth Congress should be dedicated to taking stock of international efforts t o combat organized crime and to assess the level of the threat posed by that form of criminality as the globa l community entered a new century.

37. In keeping with the steps announced by President Clinton to combat international crime, the United State s recommended that the Tenth Congress should pay attention to that matter, noting that no country should serve as a safe haven for international criminals. The Congress should focus on practical measures to ensure that fugitives were apprehended and prosecuted no matter where they went by recommending measures to improve extraditio n procedures and, when appropriate, to facilitate the various alternatives to formal extradition. Financial disclosure, transparency and accountability were the most effective mea ns available to combat global money-laundering, as well as to enhance the soundness of financial institutions. The Congress should address practical measures in that area, as well as focus on other mechanisms to deter, detect and prosecute money-laundering and financial crime.

38. The Holy See suggested that the Congress should focus on the development of new international lega l instruments and forms of international jurisdiction to combat transnational crime linked to: speculative financial transactions severely harming the economy of one or more States; activities, also undertaken by private persons , provoking very severe harm to the environment of other States; extensive terrorism resulting from organize d transnational crime; and the role of education in combating violence and organized criminality.

39. In the context of transnational criminality, Germany proposed as a theme for in-depth discussion th e harmonization of national legislation on legal assistance in criminal justice matters, as a possible follow-up to the workshop on extradition and international cooperation and to resolution 2 of the Ninth Congress on international cooperation and practical assistance for strengthening the rule of law.

Crime prevention and implementation of United Nations standards and norms

40. Austria proposed the inclusion in the agenda of the Congress the role of crime prevention and criminal justice in the promotion of human rights and democracy. In the context of the priority items under discussion by th e Commission, the Congress could contribute to the further development of the draft plan of action on the elimination of violence against women. Germany suggested that the topics dealt wi th by the Congress should include issues such as crime prevention; social changes and criminality, under which the impact of changing political and socia l conditions on the development of criminality would be examined; poverty (including relative poverty) an d criminality; criminality and crime prevention in the "information society", under which the criminal abuse o f international digital information networks would be discussed, the need for international legal agreements and the harmonization of relevant policies examined, and especially tec hnical countermeasures considered; and improvement of the living conditions of juveniles.

Improvements in the administration of justice and the rule of law

41. Turkey proposed the inclusion of the theme of improvements in the administration of justice among th e substantive topics of the Tenth Congress, since efficiency in the adm inistration of justice had an essential role to play in the fight against crime, and consequently in the promotion of the rule of law. Computerization of the criminal justice system, electronic information exchange, and collection and analysis of criminal justice data were ke y elements in that process. In that respect, the United Nations Crime and Justice Information Network should b e further strengthened.

42. Further suggestions, made by the Holy See, included the introduction and further development of alternatives to imprisonment aimed at the rehabilitation and reintegration of offenders into society and the eradication of the use of preventive incarceration.

Violent crime

43. Canada believed that the interest demonstrated at the Ninth Congress and by the international community in the issues of violence against women and violence in society confirmed the need for more work to be done at th e Tenth Congress on those issues.

44. Spain suggested that the subject of new forms of violence of a xenophobic nature, emerging particularly among urban groups, might be examined from the following standpoints: racist or xenophobic offences; strategies to prevent and combat racial violence in urban centres; and approaches to legislation on the criminalization of racist or xenophobic offences.* The Committee on the Elimination of Racial Discrimination had repeatedly reiterated the need for legislative harmonization and given priority to that question. In fact, the Committee, at its session in March 1995, had taken note of the meeting of the Council of Europe, held in November 1994, which had recommended the strengthening of information, education and preventive activities for young people, a favourite target of the propaganda spread by racist groups. To that end, some members of the Committee had indicated their concern about the dissemination of violent racist and xenophobic ideologies using new technologies, such as the information superhighway (particularly the Internet) and video games.

45. Spain further recommended that it would be advisable for the Tenth Congress to appeal to States that had not yet ratified or acceded to the Convention on the Elimination of All Forms of Racial Discrimination to do so, and to consider lifting reservations that restricted the application of the Convention. The members of the Committee on the Elimination of Racial Discrimination should also be invited to attend the Tenth Congress and to prepare a contribution on the issue.

Migration and crime

46. In the context of the priority areas under discussion by the Commission, Austria proposed that emphasis should be placed during the Tenth Congress on the subject of migration and crime, under which the following subjects could be explored: crimes committed in reaction to large-scale immigration; migrants as perpetrators of crime; migration triggered by criminal offences, especially human rights abuses; and trafficking in migrants.

Technical cooperation and coordination of activities, including the role of criminal justice assistance in peace-keeping and post-conflict reconstruction operations

47. Argentina regarded technical cooperation and advisory services as an important topic which should be included in the agenda of the Tenth Congress. The provision of advisory services and, in particular, the implementation of training programmes by means of scholarships, expert group meetings and workshops designed to solve problems, both nationally and regionally, were very positive approaches for developing countries. It would therefore be useful to expand those measures, with particular emphasis on the need for technical cooperation between countries. In that context, it would be advisable to study the possibility of signing cooperation agreements on the empirical investigation of different crimes, since knowledge of the criminological reality was a prerequisite for the extension of measures to prevent crime in its different manifestations.

48. Austria proposed that consideration should be given to providing a forum for discussion between relevant agencies of the United Nations system and other organizations in order to explore better cooperation and coordination between them. One possibility would be to allocate a specific item on the subject in the agenda of the Congress. An effort should be made to obtain inputs for the discussion from those entities, supplemented by a demonstration workshop on case-studies. The role of crime prevention and criminal justice in peace-keeping and post-conflict reconstruction operations was also suggested as a possible substantive topic.

Other topics

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*The Commission on Human Rights, in its resolution 1995/11 of 24 February 1995 on the Third Decade to Combat Racism and Racial Discrimination, invited all governments and international and non-governmental organizations to increase and intensify their activities to combat racism. In the same resolution, the Secretary-General was requested to publish and distribute as soon as possible the model legislation on racism for the guidance of Governments in the enactment of further legislation.

49. Qatar proposed that the fight against the smuggling of human organs and procedures for combating th e smuggling of nuclear substances should be considered as specific substantive topics for the Tenth Congress.

50. As another possible substantive topic for the Congress, the United States suggested the inclusion of an item on combating corruption by criminalizing bribery. The Congress should address the problem of corruption in all its forms, with a focus on practical changes in criminal l aw and administrative practices to eliminate corruption from law enforcement, public contracting and benefits and other government institutions.

2. Topics for the demonstration workshops

51. Two States presented their views on the topics of the demonstration and research workshops. Qatar suggested that a workshop should be held on linkages between corruption and organized crime, and Thailand proposed that the treatment of offenders should be added to the agenda of the workshops, in order to have an exchange o f information on the administration of justice.

IV. CONCLUSION AND ACTION REQUIRED OF THE COMMISSION

52. The main objective of the new format of the Ninth Congress was to maximize its practical and scientific value through problem-oriented workshops, demonstrations of different approaches to facilitate technical assistance and cooperation, and special sessions devoted to the discussion of priority issues of direct interest to all countries. As the preparatory body for the congresses, the Commission is called upon to de termine whether the same organizational and substantive arrangements as those made for the Ninth Congress will be adequate for the Tenth Congress, o r whether additional arrangements should be explored. Observations made by Governments through thei r representatives to the Commission at its fourth session and in the General Assembly will be of assistance to th e Commission in this regard.

53. The Tenth Congress, to be held at the dawn of the twenty-first century, can play a catalytic role by providing a new vision and innovative approaches to crime prevention and criminal justice matters. Notwithstanding th e limited number of replies to the note verbale of the Secretary-General, the Commission may wish to initiate a discussion of organizational and substantive preparations for the Congress, in the light of the views and comments contained in the present report and other experiences gained. In the meantime, pending the receipt of additiona l replies, the Commission may start focusing attention on a number of substantive proposals which were made b y States, as well as on the proposals contained in the assessment made in section II of the present report, with the aim of agreeing on preliminary organizational and substantive arrangements. The Secretary-General may be requested to prepare a more comprehensive report, containing a consolidated submission for consideration and finalization by the Commission at its sixth session.

54. Since only 11 States have so far provided comments, the Commission may wish to request the Secretary - General to seek the views of those States which have not yet submitted proposals on the themes, format, agend a items and topics of workshops of the Tenth Congress.

55. The guidance of the Commission is required as to the course of action to be followed in ensuring timel y preparations for the Congress. In that connection, it should be r ecalled that, at the fourth session of the Commission, a number of representatives stated that planning for the Tenth Congress should begin as soon as possible, and that the Commission at its fifth session should decide on its preparation, including, if possible, an indication of its dates and venue. The agreement with the host country should be confirmed no less than 18 months before the convening of the Congress.

56. The Commission may also wish to provide guidance on how to reconcile the function of the Congress as a forum for the exchange of information with the proposals on the structure and format of the Tenth Congress, such as the introduction of a "high-level segment" of one or two days that would be reserved for statements o f

representatives at the political level (government ministers, attorneys-general etc.) on a specific theme and th e inclusion of appropriate negotiations and consultations at the highest level.

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UNITED NATIONS STANDARDS AND NORMS IN THE FIELD OF CRIME PREVENTION AND CRIMINAL JUSTICE

Report of the Secretary-General

Summary

The present report introduces and highlights the main results of four surveys related to the implementation of the Standard Minimum Rules for the Treatment of Prisoners, the Code of Conduct for Law Enforcemen t Officials, including the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, the Basic Principles on the Independence of the Judiciary and the Declaration of Basic Principles of Justice fo r Victims of Crime and Abuse of Power. It pr ovides an overview of recent developments related to the promotion of the application of existing United Nations standards and norms in the field of crime prevention and criminal justice. It also focuses on ways and means of facilitating their use and dissemination, while improvin g cooperation and strengthening coordination with other entities and institutions which are active in this area.

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INTRODUCTION

1. The present report gives an overview of activities which aim at the promotion of the use and application of existing United Nations standards and norms in the field of crime prevention and criminal justice, pursuant to Economic and Social Council resolutions 1992/22, section VII, of 30 July 1992, 1993/34, section III, of 27 July 1993, 1994/18 of 25 July 1994 and 1995/13 of 24 July 1995, as well as General Assembly resolution 50/181 of 22 December 1995. It introduces the results of the surveys related to the treatment of prisoners, the conduct of law enforcement officials, including the use of force and firearms, the independence of the judiciary and victims of crime and abuse of power.

2. The Council, in its resolution 1995/13, requested the Secretary-General to continue to promote the use and application of United Nations standards and norms in crime prevention and criminal justice, *inter alia*, by providing assistance to Member States in criminal justice and law reform and organizing seminars for training law enforcement and criminal justice personnel.

3. The General Assembly, in its resolution 48/137 on human rights in the administration of justice, called attention to such standards and norms, and recommended that the establishment of a comprehensive programme within the system of advisory services and technical assistance be considered in order to help States in the task of building and strengthening adequate national structures that had a direct impact on the overall observance of human rights and the maintenance of the rule of law.

4. United Nations standards, norms, guidelines and model treaties in crime prevention and criminal justic e represent internationally agreed-upon prin ciples of desirable practice on the basis of which Governments can assess their own systems and contribute to the further developmen t of the rule of law. As a distillation of expert advice and intergovernmental recommendations, they have often served as a point of departure for developing national policies, providing also a basis for dom estic legislation and for bilateral and multilateral cooperation to combat national and transnational forms of crime.

I. OVERVIEW OF THE INFORMATION-GATHERING PROCESS

5. The Council, in its resolution 1993/34, section III, requested the Secretary-General to commence without delay a process of information-gathering to be undertaken by means of surveys, such as reporting systems, an d contributions from other sources, initially paying attention to the Standard Minimum Rules for the Treatment o f Prisoners,[1] the Code of Conduct for Law Enforcement Officials (General Assembly resolution 34/169, annex) , together with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, [2] the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (General Assembly resolution 43/173 , annex) and the Basic Principles on the I ndependence of the Judiciary. [3] The Council decided that the surveys should be conducted over a two-year period in order to enable Member States to have sufficient time to provide replies.

6. Accordingly, the Secretary-General prepared questionnaires on the above-mentioned instruments, which were reviewed by the Commission at its third session. The Council, in its resolution 1994/18, endorsed the questionnaires as recommended by the Commission, and invited Member States to reply to them. The questionnaires were sent to all Governments and to interested intergovernmental and non-governmental organizations in 1994. In resolution 1995/13, the Council urged Governments that had not yet replie d to the questionnaires to submit their replies in time to be included in the report of the Secretary-General to the Commission at its fifth session.

7. The Commission will have before it the results of the four surveys conducted (E/CN.15/1996/16/Add.1-4). In the surveys, Member States provided detailed info rmation on their prison systems; their police systems, including the implementation of regulations on when and how to use force and firea rms; their programmes of victim assistance, redress and compensation; as well as their ju diciary. The Commission will also have before it the recommendations of the Expert Group Meeting on Victims of Crime and Abuse of Power in the International Setting, held at Vienna from 18 to 22 December 1995 (E/CN.15/1996/16/Add.5).

A. Standard Minimum Rules for the Treatment of Prisoners

8. The Standard Minimum Rules for the Treatment of Prisoners, adopted in 1955 by the First United Nation s Congress on the Prevention of Crime and the Treatment of Offenders, embody the principles of humanity, respect for human dignity, social purpose and managerial performance, which comprise a coherent and effective basis for the administration of prison systems. They set out what is generally accepted as being good principle and practice in the treatment of prisoners and management of institutions, [4] and have been supplemented by the Procedures for the effective implementation of the Standard Minimum Rules for the Treatment of Prisoners (Council resolutio n 1984/47, annex, of 25 May 1984) and the Basic Principles for the Treatment of Prisoners (General Assembl y resolution 45/111, annex, of 14 December 1990).

9. The survey reveals that living conditions for prisoners vary considerably in different countries. While most countries apply the Standard Minimum Rules to a large extent, the lack of appropriate funds for priso n administration and prison management causes severe problems in meeting minimum standards for prisoners i n several other countries. In addition, owing to the limited use of non-custodial measures, prison overcrowdin g remains a major problem in many countries. As a consequence, separation of different categories of prisoners was reported to be a challenge for prison management in a number of countries. That situation has also hindere d educational and working activities in many prisons, and reduced the availability of adequate facilities for the leisure time of prisoners. In some countries, not e ven beds and bedding could be guaranteed to every prisoner. In addition,

social services or projects aimed at the resocialization of the offender upon release were available to only a limited number of prisoners. In several countries, such services were not available at all.

B. Code of Conduct for Law Enforcement Officials

10. The proper functioning of the law enforcement agencies is essential not only to an effective criminal justice policy, but also to the underlying premise of the protection of the fundamental human rights of individuals. The Code of Conduct for Law Enforcement Officials (adopted in 1979)* underlines that those who exercise police power are to respect and to protect human dignity and to uphold the human rights of all persons. In particular, the Code of Conduct prohibits torture or any act of corruption, states that force may be used only when strictly necessary, sets forth the responsibility to keep personal information confidential, and calls for the full protection of the health of persons in custody.

11. The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (adopted in 1990) establish special guidelines focused on the use of force and firearms, and then lay out standards for policing unlawful assemblies and persons in custody or detention. The Code of Conduct and the Basic Principles are regularly used for training programmes, advisory services and recommendations for law reform.

12. The survey shows that many Member States to a large extent applied the instruments. However, some countries encountered problems in the selection of appropriate applicants and their adequate education and training, owing to a lack of appropriate funds. Difficulties were also faced in some countries with regard to the proper use of force and firearms and reporting thereon. To that end, it appeared that, in particular, investigation and interviewing techniques were not limited to acceptable international standards in some countries. As regards action against corruption, investigative agencies in some countries had developed expertise in combating corruption by law enforcement officials, especially when this had been related to organized crime and crime linked with drug abuse.

C. Basic Principles on the Independence of the Judiciary

13. The Basic Principles on the Independence of the Judiciary (adopted in 1985) emphasize that the independence of the judiciary should be guaranteed by the State and enshrined in the constitution or law of the country. They point out, *inter alia*, that justice requires that everyone be entitled to a fair and public hearing by a competent, independent and impartial tribunal, in accordance with the principles proclaimed in the Universal Declaration of Human Rights (General Assembly resolution 217 A (III)), the International Covenant on Civil and Political Rights (General Assembly resolution A (XXI), annex) and other United Nations instruments. In order to secure the independence of the judiciary, the Basic Principles set forth criteria concerning the status of judges, such as their qualifications, selection, training, conditions of service and tenure, and professional secrecy and immunity. The Basic Principles also state that judges shall enjoy freedom of expression and association, and shall be free from undue disciplinary procedures.

14. According to the survey, the Basic Principles on the Independence of the Judiciary are widely applied. Only a few countries indicated that they were still struggling to improve the fundamental guarantees to ensure the independence of the judiciary in all its aspects. Further, responses to the survey illustrated that the principle of the independence of the judiciary is of central concern to many States. A large number of States are undertaking significant efforts to ensure the use and application of the Basic Principles in their national law and practice. Differences in legal systems, however, particularly between the common law and the civil law, seem to suggest different approaches to the subject of judicial independence.

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*See the report of the Secretary-General on progress made with respect to the implementation of the Code of Conduct for Law Enforcement Officials (E/AC.57/1988/8 and Corr.1), submitted to the Committee on Crime Prevention and Control at its tenth session.

D. Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power

15. The Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (adopted in 1985) recommends measures to be taken at the national, regional and international levels to improve access to justice and fair treatment, restitution, compensation and social assistance for victims of crime. It outlines the main steps to be taken to prevent victimization linked to abuses of power and to provide remedies for the victims of such offences. [5] It also contains a specific provision related to restitution in case of substantial harm to the environment.

16. Member States reported that many sections of the Declaration were implemented in principle. Some countries indicated that they had revised some laws and developed programmes to provide better services for victims. Several countries suggested that they were envisaging the introduction of legal reforms to apply the provisions of the Declaration. A number of countries had taken important steps towards better victim assistance by introducing legislation and programmes in the spirit of the Declaration. However, a major gap still existed between principle and practice. In fact, in half of the reporting countries, the programmes implemented were not being used by either the victims or the criminal justice practitioners.

17. The recommendations of the Expert Group Meeting held to discuss ways and means of promoting the use and application of the Declaration are before the Commission (E/CN.15/1996/16/Add.5).

18. Previously, expert meetings took place (at Siracusa, Italy, in 1986 and in London in 1990) which provided significant input to the work of the Committee on Crime Prevention and Control with regard to the promotion of the use and application of the Declaration, including the elaboration of a guide for practitioners regarding the implementation of the Declaration (A/CONF.144/20, annex). The International Scientific and Professional Advisory Council (ISPAC) and the Crime Prevention and Criminal Justice Division of the Secretariat cooperated in organizing the Workshop on the Prevention of Victimization, Protection and Assistance for Victims and Conflict Resolution, held at Oñate, Spain, from 13 to 16 May 1993.

19. The Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders had on its agenda, *inter alia*, the topic "Crime prevention strategies, in particular as related to crime in urban areas and juvenile and violent criminality, including the question of victims: assessment and new perspectives". In its recommendations on that subject, as part of a comprehensive resolution on its results, the Congress expressed its concern about the plight of victims of crime and urged the full use and application of the Declaration and intensified action for the protection of and assistance to victims at the national and international levels, including training, action-oriented research, ongoing information exchange and other means of cooperation in this field. [6] Also, at the Congress, an ancillary meeting on victims of crime was organized by the ISPAC Resource Committee.

20. The Commission, at its fourth session, acting on the recommendations of the Congress, requested the Secretary-General to seek the views of Member States and relevant organizations in the preparation of a manual on the use and application of the Declaration. The outline proposed by the Expert Group Meeting may help Governments in their consideration of the issue.

E. Capital punishment and safeguards guaranteeing protection of the rights of those facing the death penalty

21. The United Nations, on numerous occasions, has expressed its concern about the question of capital punishment. The General Assembly, in its resolution 2857 (XXVI) of 20 December 1971, affirmed that the main objective to be pursued in this area was that of progressively restricting the number of offences for which capital punishment may be imposed, with a view to abolishing this punishment in all countries.

22. The Council, in its resolution 1984/50, annex, of 25 May 1984, approved the safeguards guaranteeing protection of the rights of those facing the death penalty, on the understanding that they should not be invoked to delay or prevent the abolition of capital punishment. [7] The safeguards cover the basic guarantees to be respected in

criminal proceedings to ensure the rights of offenders charged with a capital offence. They also state that capital punishment may be imposed only on the most serious crime s. They cover, *inter alia*, the right to benefit from lighter penalties under certain conditions and to appeal and to seek pardo n; exemptions from capital punishment for persons below 18 years of age, pregnant women, new mothers and persons who have become insane; necessary evidentiary requirements; and criteria for suspension of executions.

23. The Council, in its resolution 1745 (LIV) of 16 May 1973, invited the Secretary-General to submit periodic updated and analytical reports on capital punishment at five-year intervals starting from 1975. In its resolutio n 1989/64 of 24 May 1989, the Council invited Member States to facilitate the efforts of the Secretary-General t o gather comprehensive, timely and accurate information about the implementation of the safeguards guaranteein g protection of the rights of those facing the death penalty and the death penalty in general. In the same resolution, the Council recommended that the report of the Secretary-General on the question of capital punishment, i n pursuance of its resolution 1745 (LIV), should henceforth also cover the implementation of the safeguards.

24. Further, in its resolution 1990/51 of 24 July 1990, the Council invited Member States to respond to th e questionnaire sent by the Secretary-General in preparation of the fifth quinquennial report on capital punishment, in 1995, and requested the Secretary-General, in preparing that report, to draw on all available data, including current criminological research, and to invite the comments of specialized agencies and intergovernmental and non - governmental organizations in consultative status with the Economic and Social Council on this question.

25. In accordance with Council decision 1994/206 of 3 February 1994, the fifth quinquennial report of th e Secretary-General on capital punishment and implementation of the safeguards (E/1995/78 and Add.1 an d Add.1/Corr.1) was submitted to the substantive session of the Co uncil in July 1995. The Council adopted resolution 1995/57, in which it invited Member States to reply to the Secretary-General's questionnaire for the preparation of the sixth quinquennial report in the year 2000, and to provide him with the information requested. In the sam e resolution, the Commission was reques ted to examine the fifth quinquennial report at its fifth session. Accordingly, a revised report, consolidating and integrating the additional information received, is before the Commission fo r further consideration.

F. Preliminary evaluation of the results

26. In comparison with similar surveys conducted by the United Nations, the response rate to the questionnaires has been, in general, remarkably high. For instance, 72 countries replied to the questionnaire on the Standar d Minimum Rules for the Treatment of Prisoners (compared with 49 replies to the previous survey), 65 countrie s replied to the questionnaire on the Code of Conduct for Law Enforcement Officials (compared with 51 replies to the previous survey) and 44 countries replied to the questionnaire on victims (compared with 21 replies to the las t survey). Only with regard to the questionnaire on the Basic Principles on the Independence of the Judiciary was there a decrease in the number of replies: 56 instead of 72. In total, 92 countries replied to one or more questionnaires.

27. In their responses, a number of countri es provided additional information, such as national laws or regulations or background material and publications, on issues that were addressed i n the questionnaires. This information could not be reflected in the reports, although sharing such information would be useful for Member States to compare how other countries respond to the same problems.

28. The information provided raises a number of questions, particularly in regard to exceptions to the genera l application of a specific rule. Some countries provided information on their shortcomings or on limitations in the use and application of standards and norms. On the basis of those facts, a possible development of the information-gathering process could include the establishment of a communication link between individual Member States and the Commission, with a view to assisting requesting countries in addressing their problems with the cooperatio n either of other Member States at the bilateral level, or of the international community through the Secretariat and specialized agencies of the United Nations, or other intergovernmental or non-governmental bodies.

29. The information-gathering process is a significant milestone in promoting the use and application of United Nations standards and norms in crime prevention and criminal justice. In completing the questionnaires, countries identified achievements and shortcomings in the various areas. The responses were relatively encouraging in terms of both quantity and quality. The sharing of the information may encourage other countries in their efforts to use and apply the standards. The identification of needs is of considerable importance when technical cooperation and assistance projects are elaborated. Finally, the information-gathering process can facilitate, with regard to technical cooperation, a regional or interregional approach in promoting the use and application of the standards and norms.

30. The perceived benefits should be taken into account when considering future action in this area. Questions to be considered include the widest possible dissemination, publication and use of the information received from Member States, the best way of continuing and eventually improving the information-gathering process, proposals for action aimed at a wider use and application of the standards, and steps to be undertaken by the Commission in order to facilitate the use and application of the standards and norms.

G. Further action

31. In accordance with Council resolution 1995/13, the Secretary-General is requested to develop questionnaires on the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) (General Assembly resolution 40/33, annex, of 29 November 1985), the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) (General Assembly resolution 45/112, annex, of 14 December 1990) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (General Assembly resolution 45/113, annex, of 14 December 1990), to be considered by the Commission at its fifth session, with a view to requesting the Secretary-General to submit a report on the replies to the Commission at a subsequent session. A draft questionnaire will be before the Commission as a conference room paper.

32. The instruments on juvenile justice take into account the rising incidence and increasing seriousness of juvenile delinquency in many countries. It is, however, of vital importance not only to prevent delinquency through judicial measures, but also to ensure the protection of the well-being and rights of all juveniles who come into conflict with the law.* In particular, it should be recalled that:

(a) The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) reflect the aims and spirit of juvenile justice, and set out desirable principles and practice for the administration of justice for juveniles, trying to ensure that any reaction to juvenile offenders is proportionate to the circumstances of both the offender and the offence;

(b) The United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) set forth standards for the protection of young persons who are abandoned, neglected, abused or in marginal circumstances, in other words, at social risk, covering the pre-conflict stage, before juveniles come into conflict with the law, having a child-centred orientation, and being based on the premise that it is necessary to offset those conditions that adversely influence and impinge on the healthy development of the child;

(c) The United Nations Rules for the Protection of Juveniles Deprived of their Liberty advocate the least possible use of deprivation of liberty, especially in prison and other closed institutions, and call for the separation of juveniles from adults in detention and the classification of juveniles according to sex, age, personality and type of offence, with a view to ensuring their protection from harmful influences and risk situations.

33. Further mention should be made of the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules) (General Assembly resolution 45/110, annex), which emphasize that imprisonment should be

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*See also the report of the Secretary-General on children as victims and perpetrators of crime (E/CN.15/1996/10).

considered as a last resort, the Basic Principles on the Role of Lawyers [2], which contain pragmatic suggestions for the day-to-day operation of the legal profession, and the Guidelines on the Role of Prosecutors, [8] designed to secure and promote the effectiveness, impartiality and fairness of prosecutors in criminal proceedings. In accordance with Council resolution 1995/13, these standards should be subject to an information-gathering process at a later stage.

34. Other instruments for which there is also a general mandate to monitor the progress in implementation are the Model Agreement on the Transfer of Foreign Prisoners and recommendations on the treatment of foreign prisoners [3] and the Model Treaty on the Transfer of Supervision of Offenders Conditionally Sentenced or Conditionall y Released (General Assembly resolution 45/119, annex), as well as the Model Treaty on Extradition (Genera l Assembly resolution 45/116, annex), the Model Treaty on Mutual Assistance in Criminal Matters (Genera l Assembly resolution 45/117, annex), the Model Treaty on the Transfer of Proceedings in Criminal Matters (General Assembly resolution 45/118, annex) and the Pri nciples on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, recommended by the Council in its resolution 1989/65 (annex).

35. As pointed out by the Commission at previous sessions, the identification of general problems that may impinge on the effective use and application of standards and norms m ay lead to recommendations designed to achieve viable solutions on the basis of action-oriented proposals. Member States were invited to accord priority to the practical implementation of standards relating to human rights in the administration of justice, to incorporate into thei r national legislation and practice existing standards in this field, to design realistic and effective mechanisms for the full implementation of those standards, and to provide the necessary administrative and judicial structures for their continuous monitoring.

36. The Meeting of Experts for the Evaluation of Implementation of United Nations Norms and Guidelines i n Crime Prevention and Criminal Justice, held at Vienna from 14 to 16 October 1991 (E/CN.15/1992/4/Add.4, annex), recommended the establishment of a coordinating body charged with ensuring th e optimum implementation of United Nations standards, including the exchange of information between offices or agencies at all levels of Government, including ministries, and between non-governmental organizations and other interested parties. In addition, th e Meeting recommended that Member States should consider appointing and establishing temporary or permanen t advisers, commissions, foundations or institutes when a particular issue is considered to be very important for the overall improvement of the crime prevention and criminal justice system or is too complex to be dealt with b y existing agencies.

37. The Commission has also continuously stressed the importance of assistance in strengthening the use an d application of the United Nations standards and no rms, recommending close cooperation of the United Nations with Governments, intergovernmental and non-governmental organizations and other interested parties. Non - governmental organizations could be encouraged to develop projects designed to assist in the promotion an d implementation of the standards and norms, including the holding of workshops, conferences and seminars; th e publication and dissemination of the standards and norms and of reports on their use and application; and training. In this connection, the important role of the information media and of the private sector should be recognized, and they should be encouraged to participate in the promotion of the standards and norms.

38. As discussed at previous sessions, the Commission might consider establishing a working group, includin g qualified and experienced experts, to advise it, to prepare its work on prom oting the use and application of the United Nations standards and norms, including policy and practice, and to play an active role in the development of a mechanism to assist the Commission and Member States in this field.

II. PROMOTING THE USE AND APPLICATION OF UNITED NATIONS STANDARDS AND NORMS

A. Training programmes and advisory services

39. The Division has been actively involved in the organization and coordination of technical cooperation projects in crime prevention and criminal justice, focusing on the promotion of the use and application of United Nations standards and norms, through the provision of technical assistance, personnel training and advisory services, including the preparation of handbooks and manuals.

40. A workshop on the training of trainers of the Custodial Corps of Malawi, Uganda and the United Republic of Tanzania was held in Uganda in July 1995. The 31 participants, selected by the correctional services of the three countries, were introduced to the *Basic Training Manual for Correctional Workers*, developed by the International Scientific and Professional Advisory Council. It was hosted by the African Institute for the Prevention of Crime and the Treatment of Offenders.

41. In cooperation with the Raoul Wallenberg Institute of Human Rights and Humanitarian Law, the Division was involved in a training programme for police and security forces in Burundi which, focusing on the use and application of United Nations standards and norms for law enforcement officials, consisted of six training courses for senior police officials in Burundi (August-December 1995). The training courses were attended each week by 25 participants (high-ranking police officials from different police units), making a total of 150 participants, and also by representatives from the military with responsibility for internal security. The seminars focused on the use and application of the United Nations standards related to police work, especially the Code of Conduct for Law Enforcement Officials and the Basic Principles of the Use of Force and Firearms by Law Enforcement Officials.

42. A training course for police officials in Belarus, held at Minsk in October 1995, was organized by the Division within the framework of a project of the United Nations International Drug Control Programme (UNDCP), and was attended by 20 Belarusian police officers in charge of organized crime, economic crime, general policing and training. The course aimed at giving participants a good understanding of United Nations standards, norms and policies in the area of crime prevention, law enforcement and cooperation in the fight against organized crime.

43. The Division participated in the Second World Police Congress, held at Santiago from 3 to 6 October 1995, at which trends and issues in the area of police and regional policies and strategies focusing on the improvement of police training were discussed. The Police Congress, which was attended by representatives of 33 police agencies from 27 countries, included debates on the following topics: (a) human resources, a competitive advantage in modern police operations; (b) economic crime; (c) terrorism: a strategy for its neutralization; (d) information: its positive and/or negative effect on security and crime; and (e) drug abuse and its incidence among children and youth. The United Nations norms and standards in the field of law enforcement were used as basic material for the meeting.

44. United Nations standards and norms provide a basis for advisory services rendered to Member States, especially developing countries and countries in transition that are reforming their criminal justice system. Advisory services are an essential element of the promotion of the use and application of norms and standards by assisting, *inter alia*, in law reform, drafting of new legislation, improving the administration of criminal justice and setting up crime prevention policies. Noteworthy in this connection are the activities of the two interregional advisors for crime prevention and criminal justice and the regional advisor assigned to the Economic and Social Commission for Asia and the Pacific, which are described in the report of the Secretary-General on technical cooperation and advisory services for the United Nations crime prevention and criminal justice programme (E/CN.15/1996/8).

45. The Division attended the Round Table Conference held at Kigali in July 1995, in a joint mission together with the Department for Development Support and Management Services. The Division contributed to the workshop on the improvement of the criminal justice situation in Rwanda. On the invitation of the Department of Humanitarian Affairs, the Division was also represented at a briefing of donors on prison conditions in Rwanda, which took place at Geneva in August 1995.

46. Advisory missions were also undertaken to the former Yugoslav Republic of Macedonia (July 1995); Croatia (September 1995), for planning the training of the United Nations Civilian Police Force (CIVPOL); Slovakia (September 1995), for a seminar on the role of education in the prevention of juvenile delinquency (organized by the Defense for Children International Movement on behalf of the Slovak Ministry of Education); Armenia (early 1996) as part of a needs assessment mission of the United Nations Development Programme (UNDP); and Bosnia, Croatia and Eastern Slavonia (early 1996), for police training and rebuilding the criminal justice system and victim assistance.

47. The Division participated in a seminar on the security of citizens in Central America, held in Costa Rica in October 1995, at which responses to the emerging sense of urban insecurity were discussed. The meeting was organized with the financial assistance of the European Union as a follow-up to the Plan of Action on Prevention of Crime and Criminal Justice in Central America for 1995-1998, prepared by the Latin American Institute for the Prevention of Crime and the Treatment of Offenders and approved by the Heads of State of the region during the International Conference on Peace and Development in Central America, held in Honduras in 1994.

48. In July 1995, during an advisory mission undertaken to Albania, two projects were formulated on reform of the correctional system and on juvenile justice, in accordance with United Nations standards and norms.

B. Dissemination and publication efforts

49. The widest possible dissemination of United Nations standards and norms is of vital importance for promoting the use and application of those instruments. Knowledge of the standards and norms by policy makers and criminal justice practitioners enables them to fulfil their tasks in the administration of justice more fairly and humanely. Interested intergovernmental and non-governmental organizations and academic institutions play a vital role in the promotion of the standards and norms.

50. The Council, in its resolution 1995/13, recognized the importance of the publication of the English version of the *Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice*,[9] and expressed its gratitude to the Government of the United Kingdom of Great Britain and Northern Ireland for its valuable contribution to the reprinting of that publication.

51. In the same resolution, the Council expressed its appreciation for the valuable contributions of the Governments of China, France and the Russian Federation to the translation of the *Compendium* into other official languages of the United Nations, and welcomed the publication of the *Compendium* in Portuguese by the Government of Portugal. The Council encouraged other Governments to publish it in the languages of their countries.

52. The Portuguese version of the *Compendium* was presented at a ceremony held during the Ninth Congress. It has already been used for training courses conducted by the Division for CIVPOL police in Angola. In addition, the Agency for Cultural and Technical Cooperation reprinted the French version of the *Compendium* in sufficient number to accommodate 300 participants in four training seminars on juvenile justice and correctional work held in Burkina Faso.

53. In spite of all these prints of the *Compendium*, there is always a shortage because of the high demand for training activities carried out by the Division and other agencies. The Division has made efforts to secure funding for further reprints.

54. Training manuals and similar publications for law enforcement officials and criminal justice personnel play an important role in the promotion of the use and application of United Nations standards in the field of crime prevention and criminal justice.

55. The publication entitled *Strategies for Confronting Domestic Violence: a Resource Manual*[10] was translated into French, thanks to the generous support of the Government of Canada, and voluntary contributions and

extrabudgetary funds should ensure its wider dissemination. In addition, the Secretariat is exploring, in coordination with the Latin American Institute, ways to ensure the translation of the *Manual* into Spanish and to promote its widest possible dissemination.

56. A manual on basic education in prison was jointly prepared by the Division and the UNESCO Institute a t Hamburg. The manual will help decision makers, administrators, educators and non-governmental organizations to promote education in the special environment of penal institutions. It examines ways and means of meeting the challenge posed by prison education, through a review of existing p ractices throughout the world. The manual which will be issued in due course, outlines various examples of good practice in prison education projects in countries of every region.

57. The Division has contributed substantively to the elaboration of a manual on police work, being prepared by the Centre for Human Rights of the Secretariat. In addition, as part of the training programme for the Burundian police (see paragraph 41), which aimed at a better knowledge of int ernational standards with emphasis on the respect for human rights, a manual for the Burundian police was elaborated with strong participation of the Division. I t follows the model of *United Nations Criminal Justice Standards for Peace-keeping Police* (the so-called "Blue Book"), a handbook prepared by the Division in coo peration with the International Centre for Criminal Law Reform and Criminal Justice Policy, and enlarges the text of the Blue Book with relevant laws and regulations from th e Burundian context.

58. The Division has also contributed to the Guidelines for the conduct of United Nations inquiries into allegations of massacres, prepared by the United Nations Legal Counsel in 1995. The Guidelines provide a frame of reference and guidance for ad hoc investigations for which no or few procedures exist.

C. Cooperation with the United Nations human rights programme

59. The Council, in its resolution 1995/13 of 25 July 199 5, requested the Secretary-General to ensure coordination of activities related to the use and application of standards and no rms between the Division and other relevant United Nations entities, in particular the Centre for Human Rights.

60. The importance of effective cooperation and coordination of activities in the use and application of Unite d Nations standards and norms with other United Nations entities, regional institutes, as well as intereste d intergovernmental and non-governmental organizations, has been reiterated by policy-making bodies of th e Organization. The General Assembly, in its resolution 50/146 of 21 December 1995, requested the Secretary - General to take all necessary measures to ensure the proper coordination of all relevant activities in the field, i n particular with the Commission on Human Rights.

61. Furthermore, in its resolution 50/181 of 22 December 1995, the General Assembly welcomed the important work of the Commission in the field of human rights in the administration of justice. The Assembly appealed t o Governments to include in their national development plans the administration of justice as an integral part of the development process, and to allocate adequate resources for the provision of legal-aid services with a view to the promotion of human rights, and invited Governments to provide training in human rights in the administration of justice.

62. Moreover, in paragraph 9 of the same resolution, the General Assembly called upon special rapporteurs, special representatives and working groups of the Commis sion on Human Rights to continue to give special attention to the questions relating to the effective protection of human rights in the administration of justice, and to provide , wherever appropriate, specific recommendations in this regard, including propo sals for concrete measures of advisory services and technical assistance.

63. The Commission on Human Rights has adopted several resolutions welcoming the work of the Commission on Crime Prevention and Criminal Justice in the field of human rights and the administration of justice, an d

emphasizing the importance of coordinating the activities carried out in this field under the responsibility of th e Commission on Crime Prevention and Criminal Justice and the Commission on Human Rights.

64. Standards and norms developed within the crime prevention and criminal justice programme continue to have a direct impact on human rights activities related to the administration of justice. In their reports submitted to the Commission on Human Rights and the Subcommission on Prevention of Discriminati on and Protection of Minorities, many special rapporteurs have acknowledged the valuable information and support received from the Crim e Prevention and Criminal Justice Division in carrying out their mandates. Standards and norms in the field of crime prevention and criminal justice are generally listed as being within the terms of reference for the conduct of th e activities of working groups and special rapporteurs dealing with issues related to human rights in the administration of justice.

65. For instance, in his report on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers (E/CN.4/1995/39), the Special Rapporteur reviewed the standard-setting activitie s accomplished by the United Nations congresses on the prevention of crime and the treatment of offenders and the Commission on Crime Prevention and Criminal Justice in relation to the role of lawyers and prosecutors . Commission on Human Rights resolutions 1994/41 of 4 March 1994 and 1995/36 of 3 March 1995 related to the mandate of the Special Rapporteur recall specifically the B asic Principles on the Role of Lawyers and the Guidelines on the Role of Prosecutors adopted by the Eighth United Nations Congress on the Prevention of Crime and th e Treatment of Offenders.

66. The Special Rapporteur on extrajudici al, summary or arbitrary executions has expressed a great interest in the report of the Secretary-General on capital punishment and implementation of the safeguards guaranteeing th e protection of the rights of those facing t he death penalty (E/1995/78 and Add.1 and Add.1/Corr.1), as well as in the *Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions*.[11] Commission on Human Rights resolutions related to his mandate specifically list the safeguards guaranteein g protection of the rights of those facing the death penalty and the Declaration of Basic Principles of Justice fo r Victims of Crime and Abuse of Power. The Commission has also repeatedly encouraged Governments, Unite d Nations bodies and organs to initiate, coordinate and support programmes designated to train and educate military forces, law enforcement officers and go vernment officials, as well as members of the United Nations peace-keeping or observer missions, on human rights and humanitarian law issues con nected with their work and in accordance with the United Nations standards and norms in the field of crime prevention and criminal justice.

67. The Subcommission on the Prevention of Discrimination and Protection of Minorities, at its forty-sevent h session held from 31 July to 25 August 1995, adopted se veral resolutions related to the administration of justice and the human rights of detainees, which is a standing item on its agenda.

68. On the issue of the impunity of perpetrators of violations of human rights, the Subcommission examined the reports of its two specials rapporteurs in charge of the studies on the question of impunity related, respectively, to economic, social and cultural rights and to civil and political rights. The Subcommission also reviewed the question of privatization of prisons, the right to a fair trial, the iss ue of compensation for victims of gross violations of human rights, the question of the individualization of prosecution and penalties and repercussions of violations of human rights on families, as well as subitems related to the application of international standards concerning the huma n rights of detained juveniles, the independence and impartiality of the judiciary, jurors and assessors and th e independence of lawyers.

69. The Subcommission, which decided at its forty-sixth session to establish a sessional working group on th e administration of justice and the question of compensation in place of a working group on detention, reconvened that working group which continued its discussion, *inter alia*, of draft basic principles and guidelines on the right t o restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamenta l freedoms.

70. The Special Rapporteur of the Subcommission on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms has been provided with documentatio n prepared by the Crime Prevention and Criminal Justice Division on this subject, in particular the Basic Principles of Justice for Victims of Crime and Abuse of Power, which served as a basis for the preparation of draft principles and guidelines annexed to his final report (E/CN.4/Sub.2/1993/8). The question is still under review by th e Commission on Human Rights, which entrusted the Subcommission with the task of examining the propose d principles and guidelines within the framework of its sessional working group on the administration of justice and the question of compensation.

71. The above-mentioned working group, during its las t session, held in August 1995, had before it, *inter alia*, the following documents: report of the Secretary-General on capital punishment and implementation of safeguard s guaranteeing the protection of the rights of those faci ng the death penalty (E/1995/78 and Add.1 and Add.1/Corr.1); report of the Secretary-General on the expert group meeting on children and juveniles in detention: application of human rights standards (E/CN.4/1995/100), held at Vienna from 30 October to 4 November 1994.

72. A representative of the Division held discussions with the United Nations High Commissioner for Huma n Rights and his staff on many questions related to the cooperation between the two programmes. During Januar y 1996, the Senior Adviser to the United Nations High Commissioner for Human Rights held similar consultations with the Division in Vienna.

73. The Division held continuous consultations with the Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment, and has provided the Centre for Human Rights wit h information on the elaboration of the draft optional protocol to the Convention against Torture and Other Cruel , Inhuman or Degrading Treatment or Punishment (General Assembly resolution 39/ 46, annex, of 10 December 1984). The Division participated in an expert meeting which was held by Amnesty International on 29 September 1995, in preparation for the International Conference on Torture, organized by the Swedish Section of Amnest y International, to be held at Stockholm in October 1996.

74. The Commission on Human Rights Working Group on Enforced or Involuntary Disappearances has insisted that independent and effective administration of justice is essential to curbing enforced disappearances. I n accordance with the Declaration on the Protection of All Persons from Enforced Disappearances, proclaimed by the General Assembly in its resolution 47/133 of 18 December 1992, the systematic practice of disappearances is a crime against humanity and constitutes a violation of the right to recognition as a person before the law, the right to liberty and security of the person and the prohibition of torture, and it also violates or constitutes a grave threat to the right to life. The Working Group has noted that the lack of suitable judicial resources and limitations on the independence of the judicial apparatus have been, *inter alia*, serious stumbling-blocks to compliance with th e Declaration.

75. The Council, in its resolution 1995/27, section IV, paragraph 22, invited the Committee on the Rights of the Child, as well as the Special Rapporteur on the sale of children, child prostitution and child pornography and the Working Group on Arbitrary Detention of the Commission on Human Rights to identify, in their reports, issues of particular concern with regard to the protection of children and juveniles in detention for their consideration under programmes of technical cooperation.

76. In paragraph 24 of the same resolution, the Council invited the Secretary-General to consider ways o f elaborating a programme of action aimed at promoting the effective use and application of relevant United Nations human rights instruments in the administration of justice with regard to children and of United Nations standards and norms in juvenile justice, giving due regard to the work accomplished by the Commission on Human Rights and in cooperation with the Office of the United Nations High Commissioner for Human Rights, the United Nation s Children's Fund and other agencies and organizations concerned, within existing resources.

77. As part of the efforts undertaken to promote closer cooperation and coordinat ion, the Division attended an inter-agency meeting on technical cooperation in support of the work of the Com mittee on the Rights of the Child (General Assembly resolution 44/25, annex), held in June 1995. The immediate objective of the meeting was to enhance the national implementation of the Convention on the Rights of the Child, and to meet with the members of th e Committee and with other relevant United Nations agencies in this field to attempt to coordinate technica l cooperation activities in support of the recommendations of the Committee.

78. On 13 November 1995, the Committee on the Rights of the Child held a meeting on the administration o f juvenile justice in order to make the review process on the implementation of the Convention more effective. The Division was represented at the meeting, which was also attended by the United Nations High Commissioner fo r Refugees, the United Nations Children's Fund, the United Natio ns Educational, Scientific and Cultural Organization, the World Health Organization, the International Committee of the Red Cross and various non-governmenta l organizations active in the field of juvenile justice. The representative of the Division familiarized the Committee on the Rights of the Child with the standards and norms relevant for the administration of juvenile justice to b e reflected in the report review process. Several follow-up activities were discussed, and closer cooperation between the Committee and the Division, especially as regards technical assistance activities, was agreed upon.

79. The World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, recommended increased coordination in support of human rights and fundamental freedoms within the United Nations system. The Vienna Declaration and Programme of Action[12] put special emphasis on the strengthening of the rule of law and th e administration of justice. It stressed the need to assist States in the task of building and strengthening adequat e structures through technical assistance to national projects in reforming penal and correctional establishments, in education and training of lawyers, judges and security forces in huma n rights, and in other specific spheres of activity relevant to the good functioning of the rule of law.

80. It is important to note that the above-mentioned resolutions have given greater opportunities to strengthening and broadening cooperation with the Centre for Human Rights, the United Nations High Commissioner for Human Rights, the Commission on Human Rights and its different subsidiary organs and special rapporteurs, specifically with those whose activities have a direct impact on the use and application of the United Nations standards an d norms in the field of crime prevention and criminal justice.

81. Coordination of activities involves efforts in such areas as dissemination of standards and promotion of the use and application of United Nations instruments in the field of crime prevention and criminal justice, information - gathering, preparation of studies and reports, standard-setting activity, law reform assistance, advisory services and technical cooperation. A field of particular concern is the development of manuals and other working material on the administration of justice for the various professions in the criminal justice system. The discussions held have centred on the development of a number of joint publications in various fields, including law enforcement, the role of magistrates and prosecutors, juvenile justice and the treatment of prisoners.

82. The Ninth Congress dealt with the following four substantive topics, which are of great interest for the human rights programme: (a) international cooperation and p ractical assistance for strengthening the rule of law; (b) action against national and transnational economic and orga nized crime and the role of criminal law in the protection of the environment; (c) criminal justice and police systems: management and improvement of police and other la w enforcement agencies, prosecution, courts and corrections; and the role of lawyers; (d) and crime preventio n strategies, in particular as related to crime i n urban areas and juvenile and violent criminality, including the question of victims. The results of the deliberations of the Congress offer new perspectives of cooperation in elaboratin g concepts and policies, undertaking joint programmes, and developing collaborative mechanisms in fields of common interest.

D. Social development

83. It is broadly understood that crime and crime prevention should be interpreted not only as a problem of illegal behaviour and the fight against it, but also as a phenomenon closely linked to economic and social development. According to article 11 of the Declaration on Social Progress and Development, proclaimed by the General Assembly in its resolution 2542 (XXIV) of 11 December 1969, social progress and development should aim equally at the attainment of certain main goals, including the provision of social defence measures and the elimination of conditions leading to crime and delinquency, especially juvenile delinquency. This aim was reaffirmed by the World Summit for Social Development, held at Copenhagen from 6 to 12 March 1995, and reflected in the previous report (E/CN.15/1995/7).

84. The Division takes into account the social implications of crime and crime prevention, cooperates with the Department for Policy Coordination and Sustainable Development, and will contribute to the World Youth Forum to be held at the United Nations Office at Vienna in November 1996, particular to the working group on juvenile delinquency.

85. Recognizing the role of the family in crime prevention and criminal justice, the Division made valuable contributions to the International Year of the Family (IYF), as outlined in the previous report. These included publications and active participation in the inter-agency meetings on IYF.

86. As a follow-up to IYF, the *Indicative Guide for Action on Family Issues*[13] was published, which, in sections on domestic violence, urbanization and families, crime prevention and adolescent delinquency, emphasizes the crucial importance of drawing attention to the family-specific aspects of crime prevention, juvenile delinquency and criminal justice.

E. Advancement of women

87. The Beijing Declaration and Platform for Action,[14] adopted at the Fourth World Conference on Women, held at Beijing from 4 to 15 September 1995, refers to the relevant international instruments and underlines their role, in particular with regard to the prevention and elimination of violence against women and girls. It describes violence against women as an obstacle to the achievement of the objectives of equality, development and peace (paragraph 112).

88. Special attention is paid to women in vulnerable situations, for example women in institutions or in detention, and it is emphasized that training of all officials in humanitarian and human rights law and the punishment of perpetrators of violent acts against women would help to ensure that such violence does not take place at the hands of public officials in whom women should be able to place trust, including police and prison officials and security forces (paragraph 121).

89. The exploitation of women in international prostitution and trafficking networks has become a major focus of international organized crime. All relevant instruments need to be reviewed and strengthened (paragraph 122).

90. Governments are requested, *inter alia*, to investigate and, in accordance with national legislation, punish acts of violence against women, and to enact and/or reinforce penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs done to women and girls who are subjected to any form of violence, as well as to "work actively to ratify and/or implement international human rights norms and instruments as they relate to violence against women..." (paragraph 124 (e)). Furthermore, Governments are requested to promote programmes aimed at increasing the knowledge and understanding of the causes, consequences and mechanisms of violence against women among those responsible for implementing those policies, such as law enforcement officers, police personnel and judicial workers.

91. The Conference called for action to eliminate trafficking in women and to assist victims of violence due to prostitution and trafficking. In that regard, Governments are requested, *inter alia*, to consider the ratification and enforcement of international conventions on trafficking in persons and on slavery.

92. The problems of impunity (paragraph 135) and the arms trade (paragraph 143) are addressed. In that context, Governments are requested, *inter alia*, to recognize the negative effects of the trade in arms, especially those arms that are particularly injurious or have indiscriminate effects, and to "recognize the need to combat illicit arms trafficking, violence, crime, the production and use of and trafficking in illicit drugs, and trafficking in women and children" (paragraph 143 (d)). Paragraph 145 (f) calls upon the international community to condemn and act against all forms and manifestations of terrorism.

93. "Intensified efforts are needed to integrate the equal status and the human rights of all women and girls into the mainstream of United Nations system-wide activities and to address these issues regularly and systematically throughout relevant bodies and mechanisms" (paragraph 221). This paragraph mentions the Commission on Crime Prevention and Criminal Justice expressly, while paragraph 321 calls upon the functional commissions of the Economic and Social Council to take due account of the Platform for Action and ensure the integration of gender aspects in their work.

94. The United Nations should develop a comprehensive policy programme for ensuring full respect for the human rights of women throughout the United Nations system, including activities with regard to advisory services and technical assistance (paragraph 231 (c)), and should strengthen the cooperation and coordination between the Commission on the Status of Women and, *inter alia*, the Commission on Crime Prevention and Criminal Justice.

95. Governments are requested to review national laws in order to ensure the implementation of the principles and procedures of all relevant international human rights instruments, and to provide gender-sensitive human rights education and training to public officials, including police personnel and corrections officers, to ensure that women have the same right as men to be judges, advocates or other officers at the court, as well as police officers and prison and detention officers (paragraph 232).

96. Paragraph 233 (d) calls upon Governments and non-governmental organizations, the United Nations and other institutional organizations, to include, as appropriate, "information about international and regional instruments and standards in their public information and human rights education activities and in adult education and training programmes, particularly for groups such as the military, the police and other law enforcement personnel, the judiciary, and legal and health professionals to ensure that human rights are effectively protected".

97. Further information on this subject is provided to the Commission through the report of the Secretary-General on practical measures in the field of crime prevention and criminal justice to eliminate violence against women (E/CN.15/1996/12) and the report of the Secretary-General on measures to combat the smuggling of illegal migrants (E/CN.15/1996/4), which are before the Commission.

F. Cooperation with non-governmental organizations

98. Non-governmental organizations have contributed significantly to the promotion of the use and application of United Nations standards and norms in crime prevention and criminal justice and to the enhancement of public awareness of the issues involved by holding seminars and meetings, conducting individual research and studies, and publishing reports and manuals on the subject. Given their professional experience in specific fields of activity, non-governmental organizations made essential contributions to the work of the Division in promoting the use and application of United Nations standards and norms.

99. Their expertise in particular fields and the importance of multidisciplinary cooperation highlight the useful role to be played by non-governmental organizations at both the national and international level. Such organizations could initiate activities designed to promote standards in specific areas, assist Governments in preparing replies to United Nations questionnaires relating to the activities of the organizations concerned, provide a point of contact for individuals affected by a particular standard, and inform Governments of significant events on relevant issues.

100. A comprehensive overview of the activities of different non-governmental organizations is given in the report of the Secretary-General on cooperation and coordination of activities in crime prevention and criminal justice , including activities of UNDCP (E/CN.15/1996/20) which is before the Commission.

III. CONCLUSION AND ACTION REQUIRED OF THE COMMISSION

101. The importance of United Nations standards, norms, guidelines and model treaties in crime prevention and criminal justice has repeatedly been reaffirmed by United Nations policy-making bodies. They play an essential role in combating transnational and organized crime, in facilitating mutual assistance in criminal matters, and in creating a common basis for overall observance of human rights.

102. The standards and norms can serve as a point of departure for national policies. Although Governments are responsible for promoting their use and application, the international community has a collective responsibility to facilitate that process.

103. In accordance with Council resolution 1995/13, the Commission may wish to consider a variety of steps to strengthen the role of the United Nations crime prevention and criminal justice programme in improving the effectiveness of United Nations standards and norms in crime prevention and criminal justice, with particular emphasis on coordination and cooperation. Those steps may include the following:

(a) The Commission may wish to review the first results of the information-gathering process, as reflected in the four reports on the use and application of United Nations standards and norms in the field of crime prevention and criminal justice (E/CN.15/1996/16/Add.1-4), and to decide on ways and means of publishing them in order to ensure the widest possible dissemination of the information;

(b) The Commission may also consider incorporating the collected information into an electronic database which would provide profiles of the different sectors of the criminal justice system on a country-by-country basis. A compilation of the information, to be periodically updated, could be made available on the World Wide Web;

(c) The Commission may further wish to reassess the opportunity of establishing a subgroup, in accordance with recommendations made by, *inter alia*, the Meeting of Experts on standards and norms referred to in paragraph 36 above. Such a subgroup would not only make a more in-depth study of the information provided by Member States in their responses to the questionnaires, but would also elaborate detailed proposals for follow-up action;

(d) Finally, the Commission may wish to recommend that Member States consider establishing at the national level, means and mechanisms such as an appropriate coordinating body, charged with the task of promoting the widest possible use and application of United Nations standards and norms, including information exchange between relevant offices at all levels of Government.

Notes

[1]See *First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva, 22 August-3 September 1955: report prepared by the Secretariat* (United Nations publication, Sales No. 1956.IV.4), annex I, sect. A; see also *Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice* (United Nations publication, Sales No. E.92.IV.1), sect. C.15.

[2]*Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B.

[3]*Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat* (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. D.

[4]R. S. Clark, *The United Nations Crime Prevention and Criminal Justice Programme: Formulation of Standards and Efforts at Their Implementation* (University of Pennsylvania Press, 1994), pp. 97-100 and 147-177; N. S. Rodley, *The Treatment of Prisoners under International Law* (UNESCO, 1987); E. Vetere, "Las reglas minimas de las Naciones Unidas para el tratamiento de los reclusos: su adopción y applicación en relación a la proteccion de los derechos humanos", in P. David, ed., *Crime and Social Policy: Papers in Honour of Manuel López-Rey y Arrojo*, UNSDRI publication No. 25, (1985).

[5]See R. S. Clark, op. cit., pp. 111 and 180-199; G. M. Kerrigan, "Historical development of the United Nations Declaration", in M. C. Bassioune, ed., *International Protection of Victims*, Vol. 7, No. 91 (1988); and *Nouvelles Etudes Pénales*, E. Vetere and I. Melup, "Criminal activity, victims of crime, the contribution of the United Nations crime prevention and criminal justice programme", in Y. Danieli, N. S. Rodley and L. Weisaeth, eds., *International Responses to Traumatic Stress* (New York, 1996), pp. 15-81.

[6]Report of the Ninth Congress on the Prevention of Crime and the Treatment of Offenders, Cairo, 29 April-8 May 1995 (A/CONF.169/16/Rev.1). The report will subsequently be issued as a United Nations sales publication.

[7]See R. Hood, "The death penalty: a world-wide perspective", a report to the United Nations Committee on Crime Prevention and Control, *The International Review of Criminal Policy*, special issue, vol. 38 (Oxford University Press, 1989); see also the report by the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1996/4).

[8]*Eighth United Nations Congress* ..., sect. C. resolution 26.

[9]United Nations publication, Sales No. E.92.IV.1.

[10]ST/CSDHA/20.

[11]United Nations publication, Sales No. E.91.IV.1.

[12]A/CONF.157/24 (Part I), chap. III.

[13]Department for Policy Coordination and Sustainable Development, *Indicative Guide for Action on Family Issues* (Vienna, United Nations, 1995).

[14]A/CONF.177/20 and Add.1, chap. I, resolution 1, annex I and II.

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UNITED NATIONS STANDARDS AND NORMS IN THE FIELD OF CRIME PREVENTION AND CRIMINAL JUSTICE

Draft questionnaire on United Nations juvenile justice standards and norms

Note by the Secretary-General

1. The Economic and Social Council, in its resolution 1993/34, section III, requested the Secretary-General to commence a process of information-gathering to be undertaken by means of surveys, such as reporting systems, and contributions from other sources. The Council further decided that the surveys should be conducted over a two-year period in order to enable Member States to have sufficient time to provide replies.

2. The Council, in its resolution 1995/13 of 24 July 1995, requested the Secretary-General to develop questionnaires on the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) (General Assembly resolution 40/33, annex), the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) (General Assembly resolution 45/112, annex) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (General Assembly resolution 45/113, annex), to be considered by the Commission on Crime Prevention and Criminal Justice at its fifth session.

3. Following previous practice, the questionnaire on United Nations juvenile justice standards and norms will be made available to the Commission as a conference room paper, in English only (E/CN.15/1996/CRP...). The draft questionnaire has been prepared on the basis of the experience gained in conducting the other surveys on the use and application of standards and norms in crime prevention and criminal justice, the results of which have been brought to the attention of the Commission, as reflected in documents E/CN.15/1996/16/Add.1-4.

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UNITED NATIONS STANDARDS AND NORMS IN THE FIELD OF CRIME PREVENTION AND CRIMINAL JUSTICE

Development of United Nations minimum rules for the administration of criminal justice

Report of the Secretary-General

Summary

The present report was prepared pursuant to Commission on Crime Prevention and Criminal Justice resolution 4/2 of 9 June 1995, in which the Secretary-General was requested to seek more comments from States on the advisability and on the specific content of the draft minimum rules for the administration of criminal justice in order for him to submit an analytical report, including options on how to proceed in this matter, to be considered by the Commission at its fifth session. As of 30 April 1996, the Secretariat had received a total of 48 replies from Member States. Comments were also received from six institutes.

*E/CN.15/1996/1.

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